



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
LARRY TYMES et al.

Serial No. 08/183,069

Filed: January 18, 1994

For: Packet Data Communication  
System

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Group No. 2202

Examiner: Kane, D.

Atty. Dkt. No. SYMB:067-1/RUT

RECEIVED

FEB 28 1995

GROUP 2200

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited  
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2/10/95

Date

*Rebecca A. Butler*

RECONSIDERATION OF NOTICE OF ABANDONMENT

7<sup>1</sup>/<sub>2</sub>

Commissioner of Patents & Trademarks  
Washington, D.C. 20231

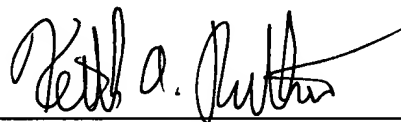
Dear Sir:

We have received a Notice of Abandonment dated 1/30/95, citing Applicants' failure to respond to the Office Action mailed 6/10/94. Attached please find copies of the Response, a Terminal Disclaimer to Obviate Double Patenting Rejection, and a Petition for Extension of Time, all filed by first class mail on December 8, 1994, within the six-month time frame.

In light of Applicants' timely filing, Applicants respectfully request that the Examiner reconsider the Notice of Abandonment and reinstitute the application as a pending application.

In addition, at this time, Applicants file along with this an Information Disclosure Statement for consideration with the captioned application.

Respectfully submitted,



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Keith A. Rutherford  
Registration No. 36,262  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, TX 77210  
(713) 787-1400

Date: 2/10/95

ATTORNEY FOR APPLICANTS

01/2

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In re Application of:  
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<p style="text-align: center;"><b>CERTIFICATE OF MAILING</b> 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:</p> <p style="text-align: center;">_____ Date</p>
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**RESPONSE TO OFFICE ACTION DATED JUNE 10, 1994**

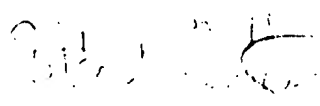
Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Dear Sir:

The Examiner, in an Office Action mailed June 10, 1994, rejected claims 25-36 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-84 of U.S. Patent No. 5,029,183. Included with this response is a terminal disclaimer to obviate the double patenting rejection, as well as a certificate under 37 C.F.R. § 3.73(b) confirming ownership by the assignee. This response is also accompanied by a petition for a three-month extension of time.

Applicant respectfully submits that the captioned application is now in order for allowance.

Respectfully submitted,

  
Keith A. Rutherford  
Registration No. 36,262  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, TX 77210  
(713) 787-1400

Date: \_\_\_\_\_

ATTORNEY FOR APPLICANT

E:\SYMB\067\PTO\04.RUT

Please indicate receipt of  
the below-identified paper:

- ☐ New application for \_\_\_\_\_  
☐ Foreign priority already claimed. \_\_\_\_\_  
Continuation/CIP/Divisional - (Circle One) Specification \_\_\_\_\_ Pages \_\_\_\_\_  
Drawings \_\_\_\_\_ Sheets \_\_\_\_\_  
☒ Response to Off. Act. dated June 10, 1994 ☐ Fin. Rej. \_\_\_\_\_  
☒ Other Terminal Disclaimer & 3.73(b) Cert. & 3 mo. ext. \_\_\_\_\_  
Check No. \_\_\_\_\_ \$110 Check No. \_\_\_\_\_ \$840  
☐ Assignment enclosed ☒ Cert. of Timely Mailing ☐ Express Mail

Identification of Application:

Serial No. 08/183,069

Title PACKET DATA COMMUNICATION SYSTEM

Applicant LaRoy Tymes et al.

Client Symbol Technologies

AWD File No. SYMB067-1

Atty. HAR/RUT

Mailed 12/8/94

Filed \_\_\_\_\_

Due Date 12/10/94

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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LaROY TYMES et al.

Serial No. 08/183,069

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Group No. 2202

Examiner: Kane, D.

Atty. Dkt. No. SYMB:067-1/RUT

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:

12/8/94

Date

*Richard A. Bravman*

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 C.F.R. 1.137(b))

Box DAC  
Commissioner of Patents & Trademarks  
Washington, D.C. 20231

Dear Sir:

I, Richard Bravman, represent that I am the senior vice president of the assignee, Symbol Technologies, Inc., and in that capacity I am authorized to sign on behalf of Symbol Technologies. Symbol Technologies, Inc. is located at 116 Wilbur Place in Bohemia, New York 11716.

The assignment to Symbol Technologies Inc. of the invention of the captioned application was recorded on December 23, 1991 on Reel 5951 Frame 0981. A Certificate under 37 C.F.R. 3.73(b) is included below.

### **DISCLAIMER**

The terminal part of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 5,029,183 is hereby disclaimed, and it is agreed that any patent so granted on the captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 5,029,183. This agreement is to run with any patent granted on the captioned application and to be binding upon the grantor, its successors, or assigns. No disclaimer is being made as to any terminal part of any patent granted on the captioned application prior to the expiration date of the full statutory term of United States Patent No. 5,029,183, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(A), has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

Attached is a check in the amount of \$110 for the fee under 37 C.F.R. 120(d). If this check is inadvertently not included or is insufficient, the Commissioner is authorized to charge any deficiencies to Deposit Account No. 01-2805 Order No. SYMB067:RUT. Two copies of this document are included for this purpose.

SYMBOL TECHNOLOGIES, INC.

Date: 12-6-94

By: \_\_\_\_\_  
Richard Bravman  
Senior Vice President

**CERTIFICATE UNDER 37 C.F.R. 3.73(b)**

On behalf of Symbol Technologies, Inc., I have reviewed the assignment referenced above and certify that to the best of my and Symbol Technologies, Inc.'s knowledge and belief, title to the captioned application is owned by Symbol Technologies, Inc.

Date: 12-6-94

\_\_\_\_\_  
Richard Bravman

ARNOLD, WHITE & DURKEE CORPORATION

12/08/94

064708

REFERENCE NUMBER	REFERENCE DATE	REFERENCE AMOUNT	DISCOUNT	VENDOR NO. NET
PATTI	12/08/94	SYMB	067--1	110.00

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SYMB:  
067--1

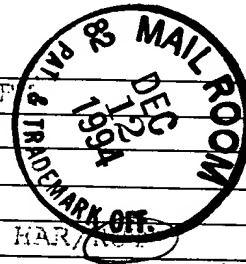
Please indicate receipt of  
the below-identified paper:

REC'D A.W.D.

- ☐ New application for \_\_\_\_\_  
- ☐ Foreign priority already claimed. Specification 12/18/1994 Pages \_\_\_\_\_  
Continuation/CIP/Divisional - (Circle One) Drawings DOCKET DESK Sheets \_\_\_\_\_  
☒ Response to Off. Act. dated June 10, 1994 ☐ Fin. Rej. \_\_\_\_\_  
☒ Other Terminal Disclaimer & 3.73(b) Cert. & 3 mo. ext.  
Check No. \_\_\_\_\_ \$110 Check No. \_\_\_\_\_ \$840  
☐ Assignment enclosed ☒ Cert. of Timely Mailing ☐ Express Mail

Identification of Application:

Serial No. 08/183/069  
Title PACKET DATA COMMUNICATION SYSTEM  
Applicant LaRoy Tymes et al.  
Client Symbol Technologies  
AWD File No. SYME067-1 Atty. HAR/  
Mailed 12/8/94 Filed \_\_\_\_\_ Due Date 12/10/94



12-19-94  
Date Processed

BY: Barn



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
LaROY TYMES et al.

Serial No. 08/183,069

Filed: January 18, 1994

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Group No. 2202

Examiner: Kane, D.

Atty. Dkt. No. SYMB:067-1/RUT

**PETITION FOR EXTENSION OF TIME  
PURSUANT TO 37 C.F.R. 1.136(a)**

Commissioner of Patents & Trademarks  
Washington, D.C. 20231

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:

12/8/94 *W. A. Arthur*  
Date

Dear Sir:

Applicant hereby petitions for and requests an additional three (3) months to respond to the Office Action dated June 10, 1994. A shortened statutory period for response was set for September 10, 1994. The requested three-month extension will set the time for response to December 10, 1994.

A check in the amount of \$840.00 is enclosed to cover the fee for the extension. If

any additional fees are required, they should be paid by check.

ARNOLD, WHITE & DURKEE CORPORATION

12/08/94

064710

REFERENCE NUMBER	REFERENCE DATE	REFERENCE AMOUNT	DISCOUNT	VENDOR NO. NET
PATTI	12/08/94	SYMB	067--1	840.00

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SYNIB

067--1



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20540

CLASSIFICATION	INVENTOR	DATE OF FILING

09/183,063 01/18/94 TYES

L

SYNIB0621

CAIN, D

22M2/0130

ARNOLD, WHITE & BURKEE  
P.O. BOX 4433  
HOUSTON, TX 77210

2202

EXAMINER	
ART. 1.1	PAPER NUMBER

DATE MAILED

01/30/95

NOTICE OF ABANDONMENT

This application is abandoned in view of.

1. ☒ Applicant's failure to respond to the Office letter, mailed 10/10/94
2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.
  - ☐ The issue fee was received on \_\_\_\_\_
  - ☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (I), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.

5. ☐ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by \_\_\_\_\_ as required in the last Office action.
  - ☐ The corrected and/or substitute drawings were received on \_\_\_\_\_
6. ☐ The reason(s) below.

*David Cain*

DAVID C. CAIN  
PRIMARY EXAMINER  
GROUP 2200

P20293  
O'MA